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Patent
255/123

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Randall M. Carpenter

Serial No.: Not Yet Assigned 10/053,280

Filed: November 8, 2001

For: ARTIFICIAL ROCK AND METHOD
FOR FORMING AN ARTIFICIAL
ROCK

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner. Applicant respectfully requests that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR 1.56, exists.

LA-225595.1

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 13, 2002
Date of Deposit

Rachel Marquez
Name of Person Mailing Paper

Signature of Person Mailing Paper

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☐ Please charge _____ to Deposit Account No. **12-2475** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. **12-2475**.

Dated: February 13, 2002

Respectfully submitted,
LYON & LYON LLP
By: [Signature]
David A. Randall
Reg. No. 37,217



22249

LYON & LYON LLP
633 W. Fifth Street,
Suite 4700
Los Angeles, CA
90071

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT**

APPLICANT:

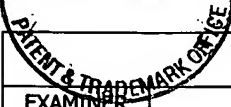
Design Masonry, Inc.

FILING DATE:

Filed Herewith

GROUP:

(Use several sheets if necessary)



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	51,366	12/5/1865	Truesdale et al.			
	AB	779,979	1/10/1905	Walter			
	AC	3,379,812	4/23/68	Yakovou	264	227	
	AD	3,950,477	4/13/76	Di Giacomo	264	226	
	AE	4,043,826	8/23/77	Hum	106	90	
	AF	4,385,088	5/24/83	Baskin	428	15	
	AG	4,446,091	5/1/84	Pairaudau et al.	264	225	
	AH	4,668,451	5/26/87	Langson	264	39	
	AI	4,754,852	7/5/88	Mule et al.	181	149	
	AJ	4,940,558	7/10/90	Jarboe et al.	264	46.7	
	AK	5,250,250	10/5/93	Gorski	264	227	
	AL	5,395,577	3/7/95	Gorski	264	227	
	AM	5,435,949	7/25/95	Hwang	264	51	
	AN	5,443,774	8/22/95	Kluh et al.	264	130	
	AO	5,543,100	8/6/96	Kluh et al.	264	130	
	AP	5,911,927	6/15/99	Roberts	264	46.4	
	AQ	6,042,766	3/28/00	Bahr	264	46.6	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
	AR	982,932	7/31/43	France				X
	AS	1,283,542	3/10/61	France				X

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 255/123	SERIAL NO. Not Yet Assigned
	APPLICANT: Design Masonry, Inc.	
	FILING DATE: Filed Herewith	GROUP:

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		The New Wave In Resorts; Water Use In Landscape Architecture; Focus; Hotels and Resorts," Reed Travel Group, Travel Weekly, Vol. 46; Pg. 9, June 30, 1987
		Martin J. Smith, "Turn To Stone; Genuine Fakes That 'Boulder' You Over; Artificial Rock Maker On A Roll In Irvine," The Orange County Register, Evening Edition, Section Business Pg. E01, March 18, 1988

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	